

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35738 of 2021**

Arising Out of PS. Case No.-33 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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Kusheshwari Devi wife of Late Rajendra Mahto Resident of Village -
Suratganj Nilam Ward No.14, P.S.- Madhubani Town, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Bharat Bhushan

Mr.Subhash Kr. Jha

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 14-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Madhubani Town P.S. Case No. 33 of 2021, registered for the offence under Sections 302, 304(B), 34 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

As per the prosecution case, this petitioner alongwith other FIR named persons killed the daughter of the informant due to non-fulfillment of demand of dowry.

Petitioner is mother-in-law of the deceased. There is general and omnibus allegation. Husband of the deceased is already in judicial custody. Petitioner was living separately and she had got no concern with the family affairs of deceased. Petitioner, being lady and aged about 70 years, is in custody since 04.02.2021. Investigation is complete.



Learned counsel for the informant has vehemently opposed the bail petition and submitted that as per FIR, it is apparent that this petitioner alongwith other family members have killed the deceased within seven years of marriage due to non-fulfillment of demand of dowry.

However, considering the fact that husband of the deceased is already in custody and petitioner is lady aged about 70 years, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhubani in connection with Madhubani Town P.S. Case No. 33 of 2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on her absence on two consecutive dates without sufficient reason, her bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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